

Department of Correction

Testimony of Leo C. Arnone, Commissioner

Judiciary Committee

Raised Bill No. 6597, *An Act Concerning Conditions of Confinement for Persons Convicted of Capitol Felonies*

March 21, 2011

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. I am Leo Arnone, Commissioner of the Department of Correction. Joining me this morning is James Dzurenda, Deputy Commissioner of Operations. We appear before you to express the Department's opposition to Raised Bill No. 6597, *An Act Concerning Conditions of Confinement for Persons Convicted of Capitol Felonies*.

Raised Bill No. 6597 would limit my discretion to place an inmate in any appropriate facility and jeopardize the safety of staff, inmates and good institutional order. As you may know, both the United States Supreme Court and the Connecticut Supreme Court recognize that the running of prisons should be left to the expert discretion of experienced prison administrators.

This bill would limit my ability to be able to use limited bed space in segregation, for example, in the event of a facility disturbance or riot, as the bed space would be required to be used to house a person convicted of a felony murder, in violation of Conn. Gen. Stat. §53-54b, rather than an inmate who has been disruptive and violated the rules of the Department.

"Prison administrators are responsible for maintaining internal order and discipline, for securing their institutions against unauthorized access or escape, and for rehabilitating, to the extent that human nature and inadequate resources allow, the inmates placed in their custody. The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice it to say that the problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree."¹

At present, I am able to freely move inmates around the state, under Conn. Gen. Stat. §18-86 "when it appears to the commissioner to be in the best interest of the inmate or the other inmates will be served by such action." Frequently inmates have to be moved, to be separated from co-defendants, to be separated from gang members or co-defendants, for their own protective custody reasons, to obtain necessary medical or mental health services. Raised Bill 6597 would limit the flexibility and discretion that my deputy commissioner, district administrator, wardens and I have to make these difficult

¹ Washington v. Meachum, 238 Conn. 692, 733-734 (1996)(quoting Procunier)

day-to-day decisions about where best to house certain inmates convicted of capital felonies. Confining an individual convicted of a capital felony in segregation without any chance of being released general population would create a dangerous situation for the correctional officers and other staff, such as nursing staff or chaplains, and counselors, who would have to enter these segregation units to provide services for these inmates, because the inmates so confined and segregated would have absolutely nothing to lose by assaulting staff, since they could not be confined at any higher security level.

In order to effectively manage inmate behavior it is important to have a behavior management plan that has both incentives for good behavior as well as consequences and disincentives for negative behavior which violates the Department's rules. Raised Bill No. 6597 provides no incentives for good behavior and would only lead to potential violence against staff, as well as potential despondence, depression, and possible self-injurious behavior on the part of the inmate, thereby increasing suicide risk. With no hope of ever leaving segregation, such inmates would occupy valuable segregation bed space, which may be better used to confine inmates who are actively engaging in behaviors which threaten the safety and security of staff and inmates, and violating disciplinary rules.

There may very well be other unintended consequences that otherwise interfere with the safe, secure and orderly operation of the Department. I cannot imagine at present any potential scenarios where it would be helpful to the management of the Department to limit my ability to have the flexibility and discretion to change the uses of certain facilities, or to transfer inmates whenever it is in the best interest of the inmate or the agency.

Thank you for the opportunity to express the Department's opposition to Raised Bill No, 6597. We would be happy to answer any questions you may have.